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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/641,725	08/15/2003	Manfred Muller	0275M-000761	2172
27572	7590	07/30/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			NGUYEN, PHUONGCHI T	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/641,725

Applicant(s)

MULLER ET AL.

Examiner

Phuongchi Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed on August 15, 2003. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 2, lines 1-2, is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 2, lines 1-2, "the first and second electric contact faces together comprise an earth terminal" does not disclose in the specification and drawings.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki (US5492388) in view of Pandit et al (US6234850B1).

In regarding to claim 1, Kawasaki discloses (figure 14) a weld-on fastener for an electric contact with a weld nut (72) (the nut 42 of the first embodiment in figure 1 is a weld nut;

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therefore, the nut 72 is also a weld nut), the fastener comprising, a weld nut (72) including, a topside (of nut 72 where 72 engages to spacer 75) having a first electric contact face (of 72 connects to 75) (because metal nut 72 and metal bolt 80 are able to conduct electricity); and a bottom side (of nut 72 where a portion having 72α located) having an annular axial projection (a portion having 72α) surrounding a cavity (forming by projection having 72α), the cavity having a predeterminable depth; a screw (80) fastenably connectable into the weld nut (72), the screw (80) having a second electric contact face (of 80 at flange 77 connects to 75); and a separate portion (75) operably clamped between the first (of 72 connects to 75) and second contact faces (of 80 at flange 77 connects to 75). Kawasaki lacks a ring spacer. However, Pandit et al teaches a spacer (24) is a ring (because the screw 16 has a circular shaft 18, the spacer 24 must be a circular ring as well). It would have been obvious to one having ordinary skill at the time the invention was made to add on the weld-on fastener of Kawasaki the spacer ring as taught by Pandit et al for increasing the compression force between the nut and the screw.

In regarding to claim 5, Kawasaki discloses the invention, but lacks the thickness of the spacer ring being equal to the depth of the cavity. It would have been obvious to one having ordinary skill at the time the invention was made to modify the fastener of Kawasaki by providing substantially a pre-determinable thickness of the spacer ring and the depth of the cavity in a fastener welded state to be equal; since applicant does not explain the same thickness of spacer ring and depth of the cavity will make any improvement in the fastener; therefore, the same thickness for the spacer ring and the cavity is a matter of design.

In regarding to claim 6, Kawasaki discloses (figure 14) the fastener comprising the weld nut (72) including an internal thread (72α) having an internal thread length (of 72α), and the screw (80) including an external thread (80β) having an external thread length (of 80β); wherein

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the external thread length (of 80 β) is dimensionable such that a screw end (opposite to the nut of screw 80) is locatable substantially flush (since screw 80 has external thread 80 β) guiding onto the internal thread 72 α) with an internal thread end of the weld nut (72) when the spacer (75) is clamped.

In regarding to claim 7, Kawasaki discloses the fastener wherein an external cross sectional width of the annular axial projection sectional width is smaller than a topside cross sectional width. Kawasaki lacks an external cross sectional width of the annular axial projection sectional width being larger than a topside cross sectional width. It would have been obvious to one having ordinary skill at the time the invention was made to have an external cross sectional width of the annular axial projection sectional width of Kawasaki being larger than a topside cross sectional width for ease in manufacturing.

In regarding to claim 8, further in view of claim 1, Kawasaki discloses the invention, but lacks weldable joint formable at a distal end of the annular axial projection. It would have been obvious to one having ordinary skill at the time the invention was made to modify the weld-on-fastener of Kawasaki by adding a weld at the joint between the distal end of the annular axial projection and the mating portion for increasing a good connection between distal end of the annular projection and mating portion.

In regarding to claim 9, further in view of claim 1, Kawasaki lacks a ring spacer. However, Pandif et al teaches a spacer (24) is a ring (because the screw 16 has a circular shaft 18, the spacer 24 must be a circular ring as well) and the screw is engaged within the female threaded aperture (forming by the nut 22) (column 3, lines 45-47). It would have been obvious to one having ordinary skill at the time the invention was made to add on the weld-on fastener of Kawasaki the spacer ring as taught by Pandit et al for increasing the compression force between

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the nut and the screw; when the spacer ring (24) adds on and is positionable between the first and second electric contacts and the spacer ring (24) substantially covering both the first and second electric contacts (direct/indirectly).

In regarding to claim 10, further in view of claim 1, Kawasaki discloses the comprising a cavity depth (forming by projection having 72α) measurable from the second end.

Claim 11 is rejected for the same reason of claim 5.

In regarding to the method of claims 12, 13 and 14, the method of forming a device is not germane to the issues of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki (US5492388) in view of Pandit et al (US6234850B1) as claimed 1 above, and further in view of Hirzmann (6535394B1).

In regarding to claim 2, Kawasaki discloses the fastener wherein the first (of 72 connects to 75) and second electric contact faces (of 80 at flange 77 connects to 75) together are useable in a motor vehicle (abstract, lines 1). Kawasaki lacks an earth terminal. However, Hirzmann teaches the first (of 300 connects to 210) and second electric contact faces (of 310) comprises an earth (pad) terminal (210) (column 2, lines 62-64). It would have been obvious to one having ordinary skill at the time the invention was made to provide on the fastener of Kawasaki an earth terminal as taught by Hirzmann for having a ground connection in the vehicle.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki (US5492388) in view of Pandit et al (US6234850B1) as claimed 1 above, and further in view of Hauske et al (US6623214B1).

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In regarding to claim 3, Kawasaki discloses the invention, but lacks the spacer ring including polyethylene. However, Hauske et al teaches the spacer ring (20) comprises an elastic material, the elastic material including polyethylene (column 4, lines 55-60). It would have been obvious to one having ordinary skill at the time the invention was made to provide on the fastener of Kawasaki an polyethylene spacer ring as taught by Hauske et al for increasing the good connection between the nut and the screw.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki (US5492388) in view of Pandit et al (US6234850B1) as claimed 1 above, and further in view of Kellison (US4642964).

In regarding to claim 4, Kawasaki discloses the invention, but lacks a seal. However, Kellison teaches the spacer ring (28) comprises a seal operably sealing the contact faces (column 2, lines 29-32). It would have been obvious to one having ordinary skill at the time the invention was made to provide on the fastener of Kawasaki a seal spacer ring as taught by Kellison for increasing the good connection between the nut and the screw to protect the fastener and the system from any bad enviroment.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Delcourt et al (US6746285B2), Perugini (US5655931), Guillou et al (US4850903) and Romerein et al (US4990109) are cited to show in the fastener art having nut, screw and spacer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi Nguyen whose telephone number is (571) 272-2012.

The examiner can normally be reached on 8:00AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PCN

July 15, 2004



ROSS GUSHI
PRIMARY EXAMINER